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W.P.No.24935 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24935 of 2024

P.Mathiyalagan

..Petitioner

Vs.

- 1.The District Collector,
Ariyalur,
Ariyalur District.
- 2.The Revenue Divisional Officer,
Udayarpalayam Taluk,
Ariyalur District.
- 3.Competent Authority and
Special District Revenue Officer
(Land Acquisition)
National Highways Unit I – 45C,
Jayankondam,
Ariyalur District.
- 4.The Special Tahsildar,
National Highways Unit II – 45C,
Jayankondam,
Ariyalur District.



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5.The Project Director,
Project Implementation Unit,
National Highways Authority,
Thanjavur 613 004.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 4th respondent in Na.Ka.No NH -I / 2793 / 2013 dated 20.07.2024 and quash the same and consequently direct the respondents to pay interest of 12% of the compensation of Rs 19,29,978/- from 3A1 notification i.e., 09.05.2013 till the date of the award i.e., 05.12.2023.

For Petitioner	: Mr.K.Balu
For R1 to R4	: Mr.A.Selvendran Special Government Pleader
For R5	: Mr.Su.Srinivasan Standing Counsel

ORDER

Aggrieved by the order passed by the 4th respondent negating the claim of the petitioner seeking interest on the compensation amount fixed in respect of land acquired under National Highways Act, the petitioner has come before this Court.



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2. The main grievance of the petitioner is that at the time of passing award, the 3rd respondent failed to decide about the interest component on the compensation amount determined by him. Therefore, the petitioner submitted a representation on 14.02.2024 before the 1st respondent seeking determination of interest payable to the petitioner. The 1st respondent forwarded the said representation to the 4th respondent and the 4th respondent passed impugned order stating that under National Highways Act, there is no provision to grant interest on the compensation amount determined for superstructures. Aggrieved by the same, the petitioner is before this Court.

3. Heard the arguments of the learned counsel for the petitioner and Mr.A.Selvendran, the learned Special Government Pleader, who is taking notice for the respondents 1 to 4 and Mr.Su.Srinivasan, learned Standing Counsel, who is taking notice for the 5th respondent.

4. If the land owner affected by the acquisition proceedings under National Highways Act is not satisfied with the amount determined by the



competent authority, he has to make a claim before the Arbitrator appointed by the Central Government under Section 3G(5) of National Highways Act. In the case on hand, the petitioner already submitted a representation expressing his dissatisfaction with regard to non-inclusion of interest in the quantum of compensation. The representation was submitted before the 1st respondent on 14.02.2024. The 1st respondent, without conducting arbitration in the light of Section 3G(5) of National Highways Act, simply forwarded the same to 4th respondent to consider the request of the petitioner.

5. Under the Act, the 4th respondent has no jurisdiction to decide about the correctness of the compensation fixed by the competent authority. Therefore, the impugned order passed by the 4th respondent is without jurisdiction and accordingly, the same is set aside. The 1st respondent is the competent authority to conduct arbitration under Section 3G(5) of National Highways Act. Therefore, 1st respondent is directed to consider the representation of the petitioner dated 14.02.2024 by treating the same as a claim petition and proceed with the arbitration in accordance with law.



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6. With these observations, the writ petition stands allowed. No costs.

02.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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5.The Project Director,
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S.SOUNTHAR, J.

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